ARC-14661-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Bishun N. Khare and Meyya Meyyappan

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Filed: April 5, 2004

Group No.: 1762

NOV 2 9 2006

Serial No.: 10/828,524

Examiner: David P. Turocy

For: "Functionalization Of Carbon Nanotubes"

Mail Stop Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Fax: (571) 273-8300

PETITION FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED CLAIM FOR THE BENEFIT OF PRIOR FILED NONPROVISIONAL APPLICATION [37 CFR 1.78(a)(3)]

The time period for claiming the benefit of a prior filed nonprovisional application to the above-identified continuation-in-part application has lapsed. The time period for claiming the priority benefit is within the latter of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed nonprovisional application.

Prior Filed Nonprovisional Application No. 10/320,698

Filing Date December 13, 2002

APPLICANT HEREBY PETITIONS FOR ACCEPTANCE OF A CLAIM FOR BENEFIT OF A PRIOR FILED NONPROVISIONAL APPLICATION TO THIS CONTINUATION-IN-PART APPLICATION

A grantable petition requires the following items:

- (1) Petition Fee
- (2) Reference required by 37 CFR 1.78(a)(5)
- (3) Statement that the entire delay was unintentional.
- 1. Petition fee and payment
 - Other than small entity fee \$1370.00 (37 CFR 1.17(t))
 - ☑ Please charge \$1370.00 to Deposit Account No. 14-0116. A duplicate of this paper is attached.
 - ☑ Please charge any additional fees necessary to effect this petition and/or deposit any overpayment to Deposit Account No. 14-0116.

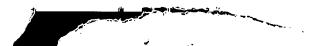
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- 2. Reference required by 37 CFR 1.78(a)(5)
 - ☐ The following reference is submitted in an amendment along with this petition:

This application is a continuation-in-part of prior Application No. 10/320,698, filed December 13, 2002.

 STATEMENT: The entire delay in claiming priority to the nonprovisional application from the filing date of the continuation-in-part application to the filing of a grantable petition under 37 CFR 1.78(a)(6) was unintentional.

John F. Schipper	29 November 2006		
Signature	Date		
John F. Schipper	26,994		
Typed or printed name	Registration Number		
Mail Stop 202A-4	(650) 604-0887		
Address	Telephone Number		
Moffett Field, California 94035-1000			
Address			

UNITED STATES PATENT & TRADEMARK OFFICE Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND							
1 Date of Request: 05/11/07 2 Serial/Patent # 10/828,52							
3 Please refund the following fee(s):		4 PAPER NUMBER		5 DATE FILED 6 AMOUNT			
	Filing				\$		
	Amendment				\$		
	Extension of Time				\$		
	Notice of Appeal/Appeal				\$		
х	Petition	wfee		11/29/06	\$ 1,370.00		
	Issue				\$		
	Cert of Correction/Terminal Disc.				\$		
	Maintenance				\$		
	Assignment				\$		
	Other				\$		
		7 TOTAL AMOUNT \$1,370.00					
		8 TO BE REFUNDED BY:					
10 REASON:		Treasury Check					
	Overpayment	χ Credit Deposit A/C #:					
х	Duplicate Payment		9	1 4 0	1 1 6		
	No Fee Due (Explanation):	L					
11 REFUND REQUESTED BY:							
TYPED/PRINTED NAME Sherry D. Brinkley TITLE: Petitions Examiner							
SIGNATURE:							
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Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

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